

ENTERED

April 29, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**NAZARIO MARTINEZ and
JULIANA GARZA, INDIVIDUALLY
AND AS REPRESENTATIVE OF
THE ESTATE OF JUAN GARZA,**

Plaintiffs,

V.

**JAVIER LAGOS PINEDA and
TRANSPORTES REFRIGERADOS
GALVAN, S.A. DE C.V.,**

Defendants.

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Civil Action No. 7:23-CV-00230

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the April 10, 2025, Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Peter Bray. (Dkt. No. 27). Judge Bray made findings and conclusions and recommended that Defendant Transportes Refrigerados Galvan, S.A. de C.V.’s Motion for Partial Summary Judgment,¹ (Dkt. No. 24), be granted, (Dkt. No. 27 at 1, 7-8).

The Parties were provided proper notice and the opportunity to object to the M&R. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th

¹ The other defendant in this case, Javier Lagos Pineda, “has not been served and has not answered. The instant motion is filed on behalf of [Transportes Refrigerados Galvan, S.A. de C.V.] only.” (Dkt. No. 27 at 2 n.2). “[Transportes Refrigerados Galvan, S.A. de C.V.] is not moving [for partial summary judgment] on behalf of Pineda.” (*Id.* at 4).

Cir. 2005). No plain error appears.

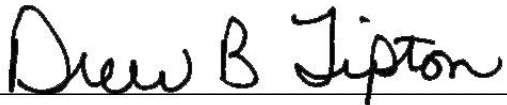
Accordingly, the Court accepts the M&R and adopts it as the opinion of the Court.

It is therefore ordered that:

- (1) Judge Bray's M&R, (Dkt. No. 27), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court;
- (2) Defendant Transportes Refrigerados Galvan, S.A. de C.V.'s Motion for Partial Summary Judgment, (Dkt. No. 24), is **GRANTED**;
- (3) Plaintiffs' gross negligence claims against Transportes Refrigerados Galvan, S.A. de C.V. are **DISMISSED**; and
- (4) Plaintiffs' direct negligence claims against Transportes Refrigerados Galvan, S.A. de C.V. are **DISMISSED**.

It is SO ORDERED.

Signed on April 26, 2025.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE